

RESOLUTION NUMBER R- 303200

DATE OF FINAL PASSAGE DEC 05 2007

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN  
DIEGO TO APPROVE AN AGREEMENT BETWEEN THE  
CITY OF SAN DIEGO AND BANK OF AMERICA FOR  
GENERAL BANKING SERVICES

WHEREAS, the City of San Diego [City] issued a Banking Request for Proposal [RFP]  
dated April 12, 2007; and

WHEREAS, the Bank of America [Bank] submitted a bid in response to the City's RFP  
and was selected to provide general banking services for five (5) years; and

WHEREAS, the terms of the Agreement between the City and the Bank are expressed in  
the Memorandum of Agreement [MOA] (attached as Exhibit 1); and

WHEREAS, the current agreement for banking services terminates on December 1, 2007;

WHEREAS, the Agreement calls for an expenditure not to exceed \$578,303.22 for Fiscal  
Year 2008, and

WHEREAS, the activity is exempt from California Environmental Quality Act pursuant  
to CEQA guidelines section 15060(c)(2); NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, as follows:

Section 1. That the foregoing recitals are true and correct.

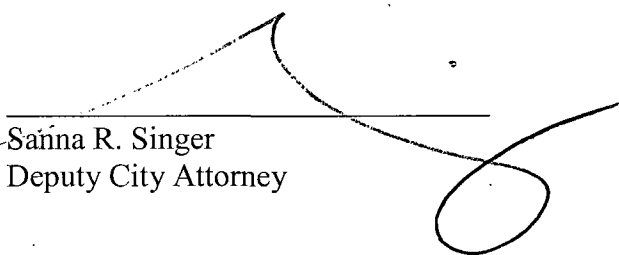
Section 2. That the Mayor, the Chief Operating Officer or the Chief Financial  
Officer, in consultation with the City Attorney, is hereby authorized and directed to cause to be  
executed the Agreement with Bank of America to provide general banking services.

Section 3. That the City Auditor and Comptroller is hereby authorized to expend an amount not to exceed \$578,303.22 for Fiscal Year 2008 for general banking services, contingent upon Auditor and Comptroller certifying that the funds necessary for expenditure are or will be on deposit with the City Treasurer.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
Saïna R. Singer  
Deputy City Attorney

SRS:jdf  
11/6/2007  
Or.Dept:FIN  
R-2008-404

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 20 2007.

ELIZABETH S. MALAND  
City Clerk

By   
Tara Richardson  
Deputy City Clerk

Approved: 12-5-07  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

## MEMORANDUM OF AGREEMENT

### Parties

This Memorandum of Agreement ("MOA") is hereby made by and among Bank of America ("Proposer") and the City of San Diego ("City"), collectively referred to as the "Parties," to memorialize their acceptance of the terms of the contract resulting to the Proposer's successful proposal in response to the City's Request for Proposal ("RFP") No. 8576-07-L.

### Recitals

WHEREAS, the Proposer has submitted a proposal in response to the RFP, and in doing so has agreed that, should the proposal be successful, it will be bound by the terms of the Contract Documents as defined in the RFP: including the RFP; the City of San Diego's General Provisions for Proposals dated January 18, 2005 ("General Provisions"); the proposal submitted (technical and price volume); the City's award letter(s); the proposer's Best and Final Offer (if any); the City's written acceptance of any exceptions to clarifications incorporated in the proposal (if any); any exhibits, attachments, or addenda to any of the aforementioned documents; and any documents incorporated therein by reference;

WHEREAS, the City has determined that the Proposer's proposal is the winning proposal and intends to award the contract to the Proposer on that basis;

THEREFORE, the Parties agree to the following:

### Agreement

The Parties mutually agree that, as a result of the City's acceptance of the Proposer's proposal in response to the RFP, the Parties shall be mutually bound by the Contract Documents, as defined above. To the extent terms and conditions of the Contract Documents conflict with one another, the order of priority will be as follows: (1) the RFP takes precedence over conflicting terms in the General Provisions; (2) the General Provisions take precedence over conflicting terms in the proposal; and (3) exceptions and clarifications noted in the proposal take precedence over conflicting terms in the RFP and General Provisions only if expressly agreed to by the Parties in writing prior to execution of this MOA.

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R 303200

The Parties further agree that the Contract Documents, as defined above and memorialized in this MOA, constitute the entire agreement between the Parties.

Accepted and Agreed,

City of San Diego

Proposer

By: Jay M. Goldstone, COO

By:

Gwen Fiorito  
Gwen Fiorito

Date: \_\_\_\_\_

Date: Nov. 6, 2007

I HEREBY APPROVE the form and legality of the foregoing agreement this \_\_\_\_ day of \_\_\_\_\_, 2007.

MICHAEL J. AGUIRRE, City Attorney

By:

\_\_\_\_\_  
Michael P. Calabrese  
Chief Deputy City Attorney

R. 303200

**The City of San Diego**  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2800369

ORIGINATING

DEPT. NO.: 52

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_ Fund: \_\_\_\_\_

Purpose: \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE ☐

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$578,303.22

Vendor: Bank of America

Purpose: Authorize the Mayor or his disignee to execute a (5) year banking services contract with Bank of America. Authorize the City Comptroller (CC) to expend an amount necessary to satisfy the terms of the contract, contingent upon certifying that funds are, or will be, on deposit with the City Treasurer, currently estimated at approx. \$578K.

Date: November 6, 2007 By: *Paul Halbert* 11/6/07

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
			SEE		ATTACHED					
TOTAL AMOUNT										

AC-361 (REV 2-92)

FUND OVERRIDE ☐

AC 2800369

*R* 303200

NOV 20 2007

Banking Services FY08 Funding Sources					
Fund #	Department #	Org #	Object Acct	Job Order #	Total Amount
100	444	2050	4222	008207	\$ 508.17
100	050	113	4222	001200	\$ 1,010.52
41400	730	2105	4222	007335	\$ 21,745.36
100	444	2050	4687	008203	\$ 970.31
100	052	2101	4222	007401	\$ 3,917.76
100	444	2050	4222	008214	\$ 1,084.06
100	444	2050	4222	008202	\$ 1,239.32
100	052	2000	4222	007550	\$ 5,034.30
100	890	3006	4222	003006	\$ 4,160.63
100	890	3007	4222	003007	\$ 1,201.41
100	890	3002	4222	003002	\$ 1,043.74
100	890	3005	4222	003005	\$ 704.38
100	890	3008	4222	003008	\$ 1,292.87
100	890	3005	4222	003005	\$ 1,035.51
100	443	2654	4222	026541	\$ 1,978.31
100	041	2350	4223	005711	\$ 491.40
10509	10509		3217	010509	\$ 1,137.50
100	537	2850	4222	008608	\$ 22,715.56
100	449	2552	4222	044952	\$ 661.71
100	073	1003	4222	001003	\$ 209.65
100	310	3001	4222	001006	\$ 3,026.42
100	310	1001	4222	001006	\$ 614.99
10360	10360		4884	003150	\$ 3,462.76
10360	10360		77744	003150	\$ 176.47
41200	752	2101	4222	002222	\$ 4,490.15
41400	730	2203	4222	007354	\$ 17,605.70
100	072	2000	4222	010911	\$ 2,950.54
100	444	2050	4222	008221	\$ 1,894.24
41300	1300	1266	4222	001165	\$ 8,818.46
100	441	2006	4222	044117	\$ 199.15
100	052	2804	4222	002804	\$ 19,545.96
100	052	2500	4222	002850	\$ 27,613.85
41300	1300	1266	4222	001165	\$ 79,789.89
100	110	6400	4222	006400	\$ 704.55
100	110	5340	4222	005340	\$ 704.55
100	444	2050	4222	008205	\$ 542.05
41400	730	2055	4222	007325	\$ 106,125.60
100	444	2050	4222	008209	\$ 419.44
41500	760	275	4222	002341	\$ 46,577.95
100	052	2000	4222	007200	\$ 180,898.03
					\$ 578,303.22

R 303200

NOV 20 2007